

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**AXION POWER INTERNATIONAL, INC.,
WILLIAM AND TRACY AHEARN, h/w, SALLY
FONNER, and JAMES SMITH, M.D.,**

Civ. Action No. 07 CV 11493

Plaintiff,

NOTICE OF APPEARANCE

-against-

**MERCATUS & PARTNERS, LTD., CARI MASI
a/k/a CARY MASI, BANCA MB S.p.A., DWIGHT
PARSCALE, STEPHANO CEVOLO,**

Defendants,

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PLEASE TAKE NOTICE that Heller, Horowitz & Feit, P.C., hereby appears in this action as attorneys for Defendants Mercatus & Partners, Ltd., Cari Masi a/k/a Cary Masi, Stephano Cevolo and requests that copies of all papers in this action be served upon the undersigned at the office address stated below. This appearance is made without prejudice to, or waiver of, Defendants' right to object to the jurisdiction of the Court.

Dated: New York, New York
June 13, 2008

HELLER HOROWITZ & FEIT, P.C.

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